

REMARKS

A. Background

Claims 1-15 were pending in the application at the time of the Office Action. The Office Action rejected claims 14 and 15 as being indefinite. Claims 1, 2, 5, 6, 8, 9, 11-13, and 15 were rejected as being anticipated by cited art. Claims 7 and 10 were rejected as being obvious over cited art. Claim 4 was objected to as being dependent upon a rejected base claim. Claim 3 was not explicitly allowed, rejected, or objected to. By this response Applicant has cancelled claims 9-11 and 15, amended claims 1-6, 8 and 12-14, and added new claims 16-24. As such, claims 1-8, 12-14 and 16-24 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

By this response, Applicant has amended the specification to address formal issues and to add the element number (100) corresponding to the golf club shaft. Applicant has amended Figures 3 and 4 to show the golf club shaft that was disclosed in the specification as originally filed. Applicant has amended claims 1-6, 8 and 12-14 to further clarify, more clearly define, and/or broaden the claimed inventions to expedite receiving a notice of allowance. Support for the amendments may be found in the specification as originally filed, as discussed in detail below. In view of the foregoing, Applicant respectfully submits that the amendments to the specification and the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

1. Objections to the Specification

Page 2 of the Office Action objects to the specification based on formal matters. In view of amendments made herein to the specification, Applicant respectfully submits that the objection has been overcome and should be withdrawn.

2. Indefiniteness Rejection

Page 2 of the Office Action rejects claims 14 and 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action alleges insufficient antecedent basis in claim 14 and unclear structure in claim 15. In view of amendments and cancellations made herein to the claims, Applicant respectfully submits that the rejection has been overcome and should be withdrawn.

3. Anticipation Rejection

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

Pages 3 and 4 of the Office Action reject claims 1, 2, 5, 6, 8, 9, 11-13, and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,766,538 to Dealy (“*Dealy*”). As to claims 9, 11 and 15, those claims have been cancelled herein, thus rendering the rejection moot regarding claims 9, 11 and 15. Regarding the rest of the rejected claims, Applicant respectfully traverses this rejection.

By this paper, Applicant has amended independent claim 1 to further comprise a second track, a second component, and a second detector to go along with the first such devices previously recited therein. Support for this amendment to claim 1 can be found, for example, at least at Figure 4.

In contrast, *Dealy* is directed to a device for monitoring the motion of a body part by changing the on-off state of an electrical switch in response to a change in motion. The device is configured to fit on a belt of, for example, a batter and indicate when a particular motion of the batter occurs, such as a particular hip movement. *Dealy* discloses using only a single switch 40 having a ball 46 that moves therein to determine when the motion occurs.

Because *Dealy* discloses using only a single switch, Applicant submits that *Dealy* does not disclose or suggest a putter training device comprising first and second tracks; first and second components located on the first and second tracks, respectively; and first and second detectors, as recited in amended claim 1.

In view of the foregoing, Applicant submits that independent claim 1 is not anticipated by the cited art because the cited art does not teach or suggest each and every element as set forth in the claim. Accordingly, Applicant respectfully requests that the anticipation rejection with respect to claim 1 be withdrawn. Claims 2, 5, 6, 8, 12 and 13 depend from claim 1 and thus incorporate the limitations thereof. As such, Applicant submits that claims 2, 5, 6, 8, 12 and 13 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 2, 5, 6, 8, 12 and 13 also be withdrawn.

Applicant further submits that many if not all of dependent claims 2, 5, 6, 8, 12 and 13 are independently distinguishable over the cited art. For example, claim 12 has been amended to clarify that the guided ramp is attached to a housing surface so as to form an inside angle therebetween, the

guided ramp being movable between two ramp positions so as to adjust the inside angle between the guided ramp and the inside surface. In contrast, while *Dealy* discloses that switch 20 can swivel about a rivet or screw, *Dealy* does not disclose or suggest the aforementioned limitation of claim 12. That is, in *Dealy*, the angle between switch 20 and swivel plate 22 appears to remain constant even while switch 20 is pivoted. See Figure 1 and col. 2, lines 38-44.

4. Obviousness Rejection

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143

Page 4 of the Office Action rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over *Dealy* in view of U.S. Patent No. 5,082,283 to Conley et al. ("*Conley*"). Claim 10 has been cancelled herein thus rendering the rejection of that claim moot.

Pages 4 and 5 of the Office Action reject claim 7 under 35 U.S.C. 103(a) as being unpatentable over *Dealy* in view of U.S. Patent No. 6,991,552 to Burke ("*Burke*"). *Burke* was merely cited for teaching the use of a printed circuit board. Applicant respectfully traverses this rejection.

Claim 7 depends from claim 1 and thus incorporates the limitations contained therein. As such, claim 7 requires, among other things, first and second tracks; first and second components located on the first and second tracks, respectively; and first and second detectors. However, while *Burke* discloses a golf swing monitoring device which generates an audible sound upon occurrence of

an overswing condition, *Burke* does not cure the deficiencies of *Dealy* as discussed above regarding claim 1.

In light of the foregoing, Applicant respectfully submits that even if, *arguendo*, *Dealy* was modified by the teachings of *Burke* in the allegedly obvious manner set forth in the Office Action, the resulting combination would still not cure the deficiencies of *Dealy* with regards to claim 1, as discussed previously. Specifically, the purportedly obvious combination would still not teach first and second tracks; first and second components located on the first and second tracks, respectively; and first and second detectors, as recited in claim 1. As such, applicant submits that claim 7 is distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. In view of the foregoing, Applicant submits that claim 7 is not obvious over the cited art. Accordingly, Applicant respectfully requests that the obviousness rejection of claim 7 be withdrawn.

5. Claim 3

The Examiner has not explicitly rejected or allowed claim 3 in the Office Action. Nevertheless, claim 3 depends from claim 1 and incorporates the limitation thereof. As such, Applicant submits that claim 3 is distinguished over the cited art for at least the same reasons discussed above regarding claim 1. Furthermore, Applicant submits that claim 3 is independently distinguishable over the cited art because none of the cited art, taken individually or collectively, disclose or suggest a disc magnet as recited in claim 3.

No other rejections or objections are set forth in the Office Action.

D. New Claims

By this paper, new claims 16-24 are added. Support for claims 16-24 can be found at least at Figures 2-4 and the corresponding discussion in the specification.

New claims 16 and 17 depend from claim 1 and thus incorporate all of the limitations thereof. As such, Applicant submits that new claims 16 and 17 are distinguished over the cited art for at least the same reasons that claim 1 is distinguished from the cited art, as discussed above.

Applicant further submits that many if not all of dependent claims 16 and 17 are independently distinguishable over the cited art. For example, claim 16 recites that the first and second tracks are positioned such that a non linear angle is formed between their respective axes. The cited art clearly does not teach this limitation. *Dealy* fails to disclose or suggest two tracks, let alone two tracks positioned as recited in claim 16. Further, because *Dealy* is directed to a linear motion of a batter, Applicant submits that it would not be obvious to add a second switch to *Dealy* and orient it as recited in claim 16.

Of the new claims, claims 18 and 23 are independent claims. Applicant submits that none of the cited art teaches or suggests all of the limitations of any of new claims 18 or 23. For example, none of the cited art teaches or suggests a putting trainer device having a track, a component and a detector within a housing, “the detector being spaced apart from the track,” as recited in claim 18, or a putting trainer device comprising a golf putter shaft and a housing with a track, a component and a detector disposed within the housing, as recited in claim 23.

In view of the foregoing discussion, applicant submits that new independent claims 18 and 23 are distinguished over the cited art, taken individually or in combination. Claims 19-22 and 24 variously depend from claims 18 and 23 and thus incorporate the limitations thereof. As such, applicant submits that claims 19-22 and 24 are also distinguished over the cited art for at least the same reasons as discussed above with regard to claims 18 and 23.

Applicant further submits that many if not all of dependent claims 19-22 and 24 are independently distinguishable over the cited art. For example, applicant submits that the cited art

clearly do not disclose or suggest “the component comprises a magnetic material and the detector detects movement of the component by detecting magnetic forces,” as recited in claim 19, or “a magnetic reed switch,” as recited in claim 20, or “a disc magnet,” as recited in claim 21, or “an attachment mechanism for attaching the putting trainer device to a shaft of a putter,” as recited in claim 22, or “a pivoting member configured to pivot the housing with respect to the putter shaft,” as recited in claim 24.

E. Allowable Subject Matter

Page 5 of the Office Action objects to claim 4 as being dependent upon a rejected base claim, but states that claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the discussion set forth herein, Applicant declines to rewrite claim 4 in independent form at this time.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, Applicant respectfully requests the Examiner’s reconsideration and allowance of claims 1-8, 12-14 and 16-24 as amended and presented herein

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 6th day of March 2007.

Respectfully submitted,

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